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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/015,267

Filing Date: December 12, 2001

Appellant(s): BROWN ET AL.

H. Artoush Ohanian
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 22, 2006 and January 12, 2007 appealing from the Office action mailed November 04, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-30 and 40-52.

Claims 5-7, 16-18, 27-29, 42 and 47 are allowed.

Claims 31-39 were withdrawn from consideration as not directed to the elected group.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

Regarding claims 8, 19 and 30, claims objections have been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

6,678,359	Gallick	01-2004
6,167,119	Bartholomew et al.	12-2000
6,101,242	McAllister	08-2000
5,533,109	Baker	07-1996
6,041,103	La Porta et al.	03-2000
5,594,784	Velius	01-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1, 4, 11, 12, 15, 22, 23, 26, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallick (U.S. Patent No. 6,678,359).

Regarding claim 1, Gallick teaches detecting, at a feature server 160 in Fig.1 [i.e. origin device], a speech [i.e., voice utterance] of an answering called party [i.e., callee] from the called party terminal 141 in Fig.1 [i.e., destination device] (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6). The feature server of Gallick reads on the claimed “origin device”. It is because the feature server sends the H.323 Admissions Confirm ACF signal to the called

subscriber and the H.323 Alerting signal to the calling subscriber (see fig.6). The feature server sends or originates the H.323 Admissions Confirm ACF and H.323 Alerting signals. So it is the “origin device”. Also, since the feature server is providing the called party’s IP address to the calling party (see col.2, line 61- col.3, line 2, col.6, lines 27-29), the feature server is the ‘origin device’ of IP address information. It is noted that Appellant did not claim whether the ‘origin device’ is originating a call or any other signal. The claims merely recite an “origin device”! It is clear that the feature server is an “origin device” that generates the Admissions Confirm ACF signal, Alerting signal and the IP address of the calling party.

Gallick further teaches identifying, at the feature server, an answering called party associated with the speech, such that the answering called party identity is transmittable as an authenticated identity of the answering called party for a call (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Regarding claims 4, 15 and 26, Gallick teaches extracting speech sample [i.e., characteristics] from the voice utterance (col.2, lines 9-11, col.3, lines 12-53, col.6, lines 3-14).

Gallick further teaches comparing the speech sample to stored voice sample on file [i.e., a plurality of voice samples stored] for identifying the answering called party [i.e., a plurality of callees] (col.3, lines 44-49).

Regarding claims 11 and 22, Gallick teaches that the answering called party [i.e., callee] identity comprises at least one from among an answering called party name, an answering called party location, a subject of the call, and a device identification (col.6, lines 3-14, 27-59).

Claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches a server [i.e. origin device] connected to a telephone network (fig.1).

Claim 23 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches database [i.e., recording medium] (col.4, lines 40-49).

Claim 50 is rejected for the same reasons as discussed above with respect to claim 23. Furthermore, Gallick teaches enabling output of the authenticated identity from the feature server [i.e. origin device] such that a caller accessing server is informed of an identity of the answering called party [i.e., callee] (col.3, lines 44-53, col.6, lines 3-14, 27-59).

Regarding claim 51, Gallick teaches comparing the speech sample [i.e., voice utterance] with at least one voice sample on file [i.e., voice imprint] stored at the server (col.3, lines 44-49).

Gallick further teaches authenticating the identity of the answering called party according to an answering called party identification stored in association with a voice sample on file responsive to matching the voice utterance with the at least one voice sample on file (col.3, lines 44-53, col.6, lines 3-14, 27-59).

Claim Rejections - 35 USC § 103

2. Claims 2, 8, 13, 19, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Gallick as applied to claims 1, 12 and 23 above differs from claims 2, 13 and 24 in that Gallick does not specifically teach “prompting said callee, from said origin device, to provide said voice utterance”. Bartholomew teaches instructing [i.e., prompting] the answering party [i.e., callee], from the IP 23 [i.e. origin device], to provide the input speech [i.e., voice utterance] (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to prompt the callee from the origin device to provide the voice utterance as taught by Bartholomew. The motivation for the modification is to notify the called party when one's ID should be entered for verification. When a system needs something or an input, it should ask for it.

Regarding claims 8, 19 and 30, Gallick as applied to claims 1, 12 and 23 above further teaches enabling the caller to identify a preferred answering called party at the server (col.3, lines 12-53, col.6, lines 3-14).

Gallick does not specifically teach “transferring an identifier for said preferred callee to said destination device, wherein destination device is enabled to adjust output according to said identifier for said preferred callee”. Bartholomew teaches providing [i.e., transferring] an identifier for the preferred answering party [i.e., callee] to the destination central office switch [i.e., destination device], wherein destination central office switch is enabled to load subscriber profile information [i.e., adjust output] according to the identifier for the preferred answering party (fig.1; col.14, lines 9-52, col.43, lines 3-67, col.44, lines 1-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to transfer an identifier for the preferred callee to the destination device, wherein destination device

is enabled to adjust output according to the identifier for the preferred callee as taught by Bartholomew. The motivation for the modification is to provide additional information to verify identity of a particular called party.

3. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of McAllister (U.S. Patent No. 6,101,242).

Gallick as applied to claims 1, 12 and 23 above differs from claims 3, 14 and 25 in that Gallick does not teach “prompting said callee to enter an additional input to verify said callee identity”. McAllister teaches prompting the called party [i.e., callee] for one or more repeat attempts [i.e., enter an additional input to verify said callee identity] (col.34, lines 1-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to ensure that the callee’s identity is accurately verified. Prompting for additional input while verifying an identity does not rise to the level of patentability. For example, if there are 2 John’s, uttering the name “John” will be insufficient and additional input (e.g., last name), may be required.

4. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Baker (U.S. Patent No. 5,533,109).

Gallick as applied to claims 1 and 12 above differs from claims 9 and 20 in that Gallick does not teach “said origin device is a private exchange network”. Baker teaches that the calling party device [i.e., origin device] is a PBX unit [i.e., private exchange network] (fig.1, fig.2; col.2, lines 26-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Gallick’s teachings in a private exchange network environment

such as the one taught by Baker. Obviously, the teachings of Gallick may be used in different analogous environments.

5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of La Porta et al. (U.S. Patent No. 6,041,103).

Gallick as applied to claims 1, 12 and 23 above differs from claims 10 and 21 in that Gallick does not specifically teach ‘said origin device is a telephony device’. La Porta teaches that the server [i.e. origin device] is a telephony device (fig.3, item 120, fig.4, item 430; col.5, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device being a telephony device as taught by La Porta. The motivation for the modification is to do so in order to provide voice and text message. Furthermore, the server 160 of Gallick which is part of VoIP communications may be considered a “telephony device”.

6. Claims 40, 41, 43-46, 48, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Velius (U.S. Patent No. 5,594,784).

Regarding claims 40, 45 and 52, Gallick’s feature server 160 in Fig.1 detects a voice utterance of an answering party [i.e., callee] who answers the call (col.6, lines 3-14).

Then, the feature server authenticates the identity of the answering party [i.e., callee] from the voice utterance (col.6, lines 3-14).

Gallick further teaches that the feature server sends the authenticated identity to the caller’s terminal (col.6, lines 24-20, 27-59).

However, Gallick does not teach the feature server originating the call. The call of Gallick is originated from the softphone terminal of the caller.

Again, Gallick teaches that a voice identification recognizer/software is located in the feature server to perform the claimed identification feature. Gallick suggests that a softphone terminal can be equipped with the voice identification recognizer/software (col.6, lines 10-14, line 52) for capturing utterances of a called party. Gallick further suggests that the identification database can be located in the softphone terminal (see col.4, line 50) for identifying the called party who answers a call. Since Gallick's caller uses a softphone terminal to originate a call and the called party uses a softphone terminal to receive a call, it is clear that Gallick suggests either the caller or the called party terminals may be equipped with the voice identification recognizer/software and the identification database.

Also, Velius teaches that the caller's terminal (customer premise equipment in Fig.1B) is equipped with the speech recognition software (26, Fig.1B) for identifying utterances of a caller (see col.5, line 65-col.6, line 5, col.7, lines 19-21). Velius further teaches that the caller's terminal is equipped with a memory dialing list (col.6, lines 23-25). The list stores relevant speech patterns such that the patterns are used for comparing the speech input of a caller (col.6, lines 23-29). This comparison is used to recognize the voice utterances of the caller (col.7, lines 21-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the caller's softphone terminal of Gallick to incorporate the voice recognizer/software and the identification database. The caller's terminal can then originate outgoing call and identify the answering party as claimed. Gallick clearly teaches such

modification by moving the software from the feature server to the caller's terminal. Velius's invention proves that similar voice recognition software had been placed in the caller's terminal. The modification enables the caller's terminal to identify the identity of the called party. Furthermore, the modification of moving the recognition software to the caller's terminal gives additional benefit of reducing the traffic between the caller's terminal and the feature server.

Claims 41 and 46 are rejected for the same reasons as discussed above with respect to claim 41. Furthermore, Gallick teaches comparing the voice utterance with at least one voice imprint stored at the feature server (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Gallick further teaches responsive to matching the voice utterance with the at least one voice imprint, authenticating the identity of the callee according to a callee identification stored in association with the voice imprint (fig.2a, fig.2b; col.3, lines 44-53, col.5, lines 30-36, col.6, lines 27-59, col.7, lines 1-6).

Regarding claims 43 and 48, Gallick teaches displayable output to a graphical user interface (col.3, lines 7-12).

Regarding claims 44 and 49, Gallick teaches that output comprises audio alert (i.e., audio output via a speaker) (fig.3, step 310; col.3, lines 6-25).

Allowable Subject Matter

7. Claims 5-7, 16-18, 27-29, 42 and 47 were objected to in the previous office action.

8. **Reasons for allowance:** a statement of reasons for the indication of allowable subject matter has been already written in the previous office action.

(10) Response to Argument

Claims 1, 12, 23 and 50

I: On pages 7-10 of the Appeal Brief, the Appellant contends that Gallick does not disclose “detecting, at an origin device, a voice utterance of a callee from a destination device; and identifying, at said origin device, a callee identity associated with said voice utterance, such that said callee identity is transmittable as an authenticated identity of said callee for a call”. The examiner respectfully disagrees with this argument for the following reasons:

Gallick teaches detecting, at a feature server [i.e. origin device], a speech [i.e., voice utterance] of an answering called party [i.e., callee] from the called party terminal [i.e., destination device] (fig.1, 6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6);

identifying, at the server, an answering called party associated with the speech, such that the answering called party identity is transmittable as an authenticated identity of the answering called party for a call (fig.1, 6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Since feature server sends the H.323 Admissions Confirm ACF signal to the called subscriber and the H.323 Alerting signal to the calling subscriber (see fig.6). The feature server sends or origins the H.323 Admissions Confirm ACF and H.323 Alerting signals. So it is the “origin device”. Also, since feature server is providing the called party’s IP address to the calling party (see col.2, line 61- col.3, line 2, col.6, lines 27-29), the feature server is ‘origin device’ of IP address information. Thus the rejection of the claim in view of Gallick remain.

On page 9, third paragraph of the Appeal Brief, the Appellant further contends that Column 3, lines 42-53 of Gallick discusses a capturing and analyzing the first utterances of the called party, but makes no mention whether capturing and analyzing the utterances is carried out by a VOIP softphone, VoIP telephone, or Feature server. It is true. However, the Appellant didn't claim that capturing and analyzing the first utterances of the called party is carried out by a VOIP softphone, VoIP telephone, or Feature server. Thus, this argument is irrelevant.

II: On page 13 of the Appeal Brief, the Appellant contends that Figure 1 of Gallick actually demonstrates that the VoIP Feature server (reference 160 on Figure 1) is not an origin device by showing the VoIP Feature server as distinct from both the VOIP softphones (reference 140 and 141 on Figure 1) and the VOIP telephone (reference 142 on Figure 1). The Appellant didn't claim the actual physical location of origin device.

On pages 13 and 14 of the Appeal Brief, the Appellant further contends that Figure 6 of Gallick actually shows the feature server receiving from the calling subscriber a call setup message and sending the called subscriber the call setup message. Figure 6 therefore also demonstrates that the feature server is not an 'origin device' as claimed in claim 1. Examiner respectfully disagrees with this argument. Gallick teaches that the feature server sends or origins the H.323 Admissions Confirm ACF and the H.323 Alerting signals (see fig.6). Therefore, the feature server of Gallick reads on the claimed "origin device".

On page 14 of the Appeal Brief, the Appellant further contends that Column 3, lines 12-53 of Gallick discusses a GUI screen (reference 460 on Figure 4) displayed to a called party making no mention of 'identifying, at said origin device, a callee identity' as claimed in claim 1.

Examiner didn't rely upon Column 3, lines 12-53 of Gallick for this limitation. The examiner relied upon col.6, lines 3-14 of Gallick to teach the limitation.

On page 14 of the Appeal Brief, the Appellant further contends that Column 6, lines 3-14 and lines 27-59 actually teaches away from claim 1 describing a local voice identification recognizer located on a personal computer or server on the network where the destination softphone resides. Examiner respectfully disagrees with this argument. Examiner relied upon this particular embodiment in combination with fig.6 to teach this particular claim describing a local voice identification recognizer located on a server on the network where the softphone resides.

Thus the rejection of the claims in view of Gallick remain.

Claims 2, 8, 13, 19, 24 and 30

III: On pages 17 and 18 of the Appeal Brief, the Appellant further contends that Gallick does not teach claims 2, 8, 13, 19, 24 and 30.

However, this argument is **not** relevant because, the examiner did not rely upon Gallick to teach the claims.

IV: On pages 17-19 of the Appeal Brief, the Appellant further contends that the intelligent peripheral (IP) of Bartholomew is not an origin device. Examiner respectfully disagrees with this argument for the following reasons:

Since IP originates prompts, greetings etc. (see col.14, lines 14-19, col.34, lines 7, 8, col.44, lines 65, 66), 'IP' reads on the broadly claimed 'origin device'.

Further Bartholomew teaches that IP prompts called/answering party to provide input speech in order to determine the identity of called/answering party (see col.34, lines 7, 8, col.44,

line 65-col.44, line 5). Thus the rejection of the claim in view of Gallick and Bartholomew remain.

On page 19 of the Appeal Brief, the Appellant further contends that “Because both Gallick and Bartholomew teach away from the claims, there is no suggestion or motivation to combine Bartholomew and Gallick and the proposed combination cannot support a *prima facie* case of obviousness”. The examiner respectfully disagrees with this argument. Gallick provides the suggestion for one of ordinary skill in the art will be able to make further and other modifications without departing from the spirit and scope of the invention as broadly disclosed herein in col.7, lines 7-10. Furthermore, since Gallick teaches a feature server and Bartholomew teaches IP [i.e., origin device] prompting called/answering party to provide input speech in order to determine the identity of called/answering party in col.34, lines 7, 8, col.44, line 65-col.44, line 5 then the combination of Gallick and Bartholomew provides reason for one of ordinary skill in the art to have the prompt in order to provide an option to verify identification of the called party.

Thus the rejection of the claims in view of Gallick and Bartholomew remain.

Claims 3, 14 and 25

V: On page 20 of the Appeal Brief, the Appellant further contends that the intelligent peripheral (IP) of McAllister is not an origin device. Examiner respectfully disagrees with this argument for the following reasons:

Since IP originates prompts, failure signals (see col.34, lines 55-59), IP is an origin device.

Further McAllister teaches that IP (i.e., origin device) prompts called party for one or more repeat attempts (see col.34, lines 55, 56).

On page 21 of the Appeal Brief, the Appellant further contends that "Because both McAllister and Gallick teach away from the claims, there is no suggestion or motivation to combine McAllister and Gallick and the proposed combination cannot support a *prima facie* case of obviousness". The examiner respectfully disagrees with this argument. Gallick provides the suggestion for one of ordinary skill in the art will be able to make further and other modifications without departing from the spirit and scope of the invention as broadly disclosed herein in col.7, lines 7-10.

Since Gallick teaches a feature server and McAllister teaches IP [i.e., origin device] prompting called party for one or more repeat attempts (see col.34, lines 55, 56) then the combination of Gallick and McAllister provides reason for one of ordinary skill in the art to have the prompt in order to provide more information to verify identification of the called party.

Thus the rejection of the claims in view of Gallick and McAllister remain.

Claims 9 and 20

VI: On pages 22 and 23 of the Appeal Brief, the Appellant further contends that Baker does not teach or disclose "detecting, at an origin device, a voice utterance . . . and identifying, at said origin device, a callee identity associated with said utterance."

However, this argument is **not** relevant because, the examiner did not rely Baker for the teaching of the limitation. Examiner relied upon Baker for the teaching of a PBX device as originating device (see fig.2; col.2, lines 49-55).

VII: On page 23 of the Appeal Brief, the Appellant further contends that “Because Gallick teaches away from the claims, there is no suggestion or motivation to combine Baker and Gallick and the proposed combination cannot support a prima facie case of obviousness”. The examiner respectfully disagrees with this argument. Gallick teaches a feature server and Baker’s ‘PBX’ reads on the claimed ‘origin device’ in fig.2; col.2, lines 49-55 then the combination of Gallick and Baker provides reason for one of ordinary skill in the art to have the PBX in order to direct telephone call to a particular called party’s telephone device.

Thus the rejection of the claims in view of Gallick and Baker remain.

Claims 10 and 21

VIII: On page 25 of the Appeal Brief, the Appellant further contends that “La Porta also teaches away from the Appellants' claims by describing a “method and apparatus for interactive call identification of a call to a called party.””

However, this argument is **not** relevant because, Examiner relied upon La Porta for the teaching of the server [i.e. origin device] originating a call (see fig.3, item 120, fig.4, item 430; col.5, lines 10-12).

IX: On page 25 of the Appeal Brief, the Appellant further contends that “Because Gallick and La Porta teach away from the claims, there is no suggestion or motivation to combine La Porta and Gallick and the proposed combination cannot support a prima facie case of obviousness”. The examiner respectfully disagrees with this argument. Gallick teaches a feature server and La Porta teaches the server [i.e. origin device] originating a call (fig.3, item 120, fig.4,

item 430; col.5, lines 10-12) then the combination of Gallick and La Porta provides reason for one of ordinary skill in the art to use the server for call initiation to a called party.

Thus the rejection of the claims in view of Gallick and La Porta remain.

Claims 40, 41, 43-46, 48, 49 and 52

X: On page 27 of the Appeal Brief, the Appellant further contends that Gallick does not teach claim 40. Examiner respectfully disagrees for the same reasons as discussed above with respect to claim 1.

On pages 27-28 of the Appeal Brief, the Appellant further contends that Velius does not teach “detecting a voice utterance of a callee at a origin device originating a call; authenticating an identity of said callee from said voice utterance at said origin device; and enabling output of said authenticated identity from said origin device, such that a caller accessing said origin device is informed of an identity of said callee”.

However, this argument is **not** relevant because, the examiner did not rely Velius for the teaching of the limitation. Examiner relied upon Velius for the teaching of a caller’s terminal (customer premise equipment in Fig. 1B) equipped with speech recognition software (26, Fig. 1B) (see col.5, line 65-col.6, line 5, col.7, lines 19-21).

XI: On pages 29 and 30 of the Appeal Brief, the Appellant further contends that “There is no suggestion or motivation to combine Gallick and Velius, because both Gallick and Velius teach away from the claims”. Examiner respectfully disagrees with this argument for the following reasons:

Gallick suggests that a softphone terminal can be equipped with the voice identification recognizer/software (col.6, lines 10-14, line 52) for capturing and analyzing utterances of a called party. Velius also teaches that the caller's terminal (customer premise equipment in Fig.1B) is equipped with the speech recognition software (26, Fig.1B) for identifying utterances of a caller (see col.5, line 65-col.6, line 5, col.7, lines 19-21). Thus the combination of Gallick and Velius provides reason for one of ordinary skill in the art to incorporate the voice recognizer/software of the feature server into the caller's terminal such that the caller's terminal can then originate outgoing call and identify the answering party as claimed. The modification enables the caller's terminal to identify the identity of the called party. Furthermore, the modification of moving the recognition software to the caller's terminal gives additional benefit of reducing the traffic between the caller's terminal and the feature server.

Thus the rejection of the claims in view of Gallick and Velius remain.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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May 29, 2007

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